

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KENNETH HOLLAND,	§	No. 322, 2006
	§	
Defendant Below,	§	Court Below—Superior Court
Appellant,	§	of the State of Delaware, in
	§	and for Kent County.
v.	§	
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	Cr. ID No. 9911018868

Submitted: July 3, 2006

Decided: September 12, 2006

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

**ORDER**

This 12th day of September 2006, the Court has considered the appellant's untimely notice of appeal,<sup>1</sup> the Clerk's notice directing the appellant to show cause why the appeal should not be dismissed, and the appellant's response to the notice to show cause, and it appears to the Court that the appeal should be dismissed. The appellant's failure to timely file the notice of appeal is not attributable to court-related personnel. Consequently,

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<sup>1</sup>The notice of appeal was filed on June 21, 2006 from an order of the Superior Court docketed on May 18, 2006. *See* Del. Supr. Ct. R. 6(a) (2006) (providing for thirty-day period to file notice of appeal).

this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal.<sup>2</sup>

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>2</sup>*Bey v. State*, 402 A.2d 362, 363 (Del. 1979).